

REMARKS

INTRODUCTION

Claims 1-12 were previously and are currently pending and under consideration.

Claims 1-12 are rejected.

Claims 1 and 12 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS UNDER 35 USC §§ 102 AND 103

In the Office Action, at pages 2-4, claims 1, 2 and 7-12 were rejected under 35 U.S.C. § 102 as anticipated by Onishi. At pages 4-5, claims 3-5 were rejected under 35 U.S.C. § 103 as being obvious over Onishi in view of Reichert. These rejections are traversed and reconsideration is requested.

Amended claims 1 and 12 recite "an edge of the stationary knife is angled to a line along which it moves and the edge forms an acute angle with the roll paper when cutting the roll paper".

In Onishi, the edge of the fixed blade is parallel to the line along which it moves. As discussed in Onishi, the fixed blade replaces the long fixed blades of the prior art, such as blades 103 in Figures 11 and 12. The fixed blade of Onishi is like a small mobile segment of blades 103. Furthermore, Onishi states that "During cutting of the sheet material only a rotary blade ... is inclined in a direction of travel of the supporting member" (col. 2, lines 39-43). The rejection refers to Figure 9 of Onishi. In Figure 9, the direction of movement and the line of the edge of the fixed blade are both parallel and project perpendicularly from Figure 9.

The amendment to claims 1 and 12 only clarifies a previous feature. The claims previously recited "the stationary knife being fixed at a non-zero angle with respect to the longitudinal direction of the rail". The Examiner interpreted this as the angle of a side of the knife. However, it is respectfully submitted that one skilled in the art would understand that a direction or angle of a knife refers to a length-wise angle of the knife. Therefore, it is respectfully submitted that the amendment herein only clarifies a feature previously present in the claims.

Withdrawal of the rejection is respectfully requested.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 4 recites "roll paper cutter according to claim 4, wherein the profile of the rotary knife is elliptical". This feature is not taught or

suggested by the prior art, and the rejection's reasoning for modifying Onishi does not provide a motive from the prior art (absent the combination) why one would have desired to make the combination or modification. The rejection mentions the creation of scissor-like cutting, however there is no suggestion in the art why scissor-like cutting is necessary or desirable in the context of the presently claimed features. The rejection's reasoning implies that an oval blade is always desirable, and yet Onishi itself does not employ one. Withdrawal of the rejection of the dependent claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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